

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



**Project Name:** C-DYMOND ESTATES SUBDIVISION

**Case Number:** PLD2004-00069; SEP2004-00127; HAB2004-00172; SHL2004-00011; EVR2004-00064

**Location:** South of SE 20<sup>th</sup> Street at 328<sup>th</sup> Avenue

**Request:** The applicant is requesting to subdivide an approximate 72.57-acre parcel into 12 single-family residential lots located in the R-5 zone district.

**Applicant:** Mak LLC  
3507 NE 151<sup>st</sup> Court  
Vancouver, WA 98682  
(503) 659-4055

**Contact Person:** Olson Engineering, Inc.  
Attn: Gayle Bennett  
1111 Broadway  
Vancouver, WA 98660  
(360) 695-1385; (360) 695-8117 FAX  
E-mail: [gayle@olsonengr.com](mailto:gayle@olsonengr.com)

**Property Owner:** Same as applicant

## **RECOMMENDATION**

**Approve subject to Conditions of Approval**

**Team Leader's Initials:** \_\_\_\_\_ **Date Issued:** November 17, 2004

**Public Hearing Date:** December 2, 2004

## County Review Staff:

|   | <u>Name</u>              | <u>Phone Ext.</u> | <u>E-mail Address</u>           |
|---|--------------------------|-------------------|---------------------------------|
| <b>Planner:</b>   | Josh Warner              | 4898              | joshua.warner@clark.wa.gov      |
| <b>Engineer</b><br>(Trans. & Stormwater):               | Ken Burgstahler          | 4347              | ken.burgstahler@clark.wa.gov    |
| <b>Engineer</b><br>(Trans. Concurrency):                | Shelley Oylear           | 4354              | shelley.oylear@clark.wa.gov     |
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| <b>Engineering Supervisor:</b><br>(Trans. Concurrency): | Steve Schulte<br>P. E.   | 4017              | steve.schulte@clark.wa.gov      |
| <b>Habitat Biologist:</b>                               | Dave Howe                | 4598              | david.howe@clark.wa.gov         |
| <b>Wetland Biologist:</b>                               | Brent Davis              | 4152              | brent.davis@clark.wa.gov        |

**Comp Plan Designation:** Rural (R-5)

**Parcel Number(s):** 130270-000

### Applicable Laws:

Clark County Code Sections: Title 15 (Fire Protection), Title 24 (Public Health), 40.210 (Rural Zones), 40.350.020 (Transportation Concurrency), 40.380 (Stormwater and Erosion Control), 40.440 (Habitat Conservation), 40.450 (Wetland Protection), 40.510.030 (Procedures), 40.540.040 (Subdivision), 40.570 (SEPA), 40.610 (Impact Fees), Clark County Shoreline Management Master Program Regulations.

### Neighborhood Association/Contact:

Washougal River Neighborhood Association  
Steve Gibson – Council Member  
PO Box 846  
Washougal, WA 98671  
message phone: 835-1716  
E-mail: [win@ispllc.net](mailto:win@ispllc.net)

### Time Limits:

The application was determined to be fully complete on August 26, 2004 (see Exhibit 17). The applicant was asked to submit additional information and thereby, extended the deadline by 28 days. Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 24, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on January 20, 2005.

### **Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 15, 2004. The pre-application was determined to be contingently vested as of December 16, 2003 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on August 5, 2004 and determined to be fully complete on August 26, 2004. Given these facts the application is vested on August 5, 2004.

There are not any disputes regarding vesting.

### **Public Notice:**

Notice of application and public hearing was mailed to the applicant, Washougal River Neighborhood Association and property owners within 500 feet of the site on September 3, 2004. One sign was posted on the subject property and two within the vicinity on October 20, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on October 20, 2004.

### **Public Comments:**

No written comments were received on this project prior to the date this report was issued.

### **Project Overview**

The 65 acre site is located immediately east of the Washougal River between SE 20<sup>th</sup> Street and Jemtegaard Road. The area is relatively flat on the eastern portions and moved steep slopes to the west. The site is mostly forested on the western sites and clear in the eastern portion. There are several critical areas on the site. The Washougal River at the location of this property is designated as a conservancy area under the Clark County Shoreline Management Master Program. In addition to the Washougal River, there is also a tributary that bisects the parcel from east to west. Several seeps are also associated with the stream. There are steep, potentially unstable, slopes associated with the tributary. There are wetlands also associated with the riparian areas.

The site is currently vacant. Surrounding parcels are residentially developed with some agricultural activity. The subject and all surrounding parcels are zoned R-5. In

accordance with the zoning, the applicant is proposing to subdivide the parcel into 12 lots. This will require a public hearing for the subdivision and several other permits related to critical areas, including: habitat, shoreline, and wetland reviews.

#### Comprehensive Plan, Zoning and Current Land Use

| <b>Compass</b> | <b>Comp Plan</b> | <b>Zoning</b> | <b>Current Land Use</b> |
|----------------|------------------|---------------|-------------------------|
| Site           | R-5              | R-5           | Vacant                  |
| North          | R-5              | R-5           | Residential             |
| East           | R-5              | R-5           | Residential             |
| South          | R-5              | R-5           | Residential             |
| West           | R-5              | R-5           | Residential             |

#### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

#### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

### **LAND USE:**

Finding 1 – CCC 40.210.020 requires that the minimum lot size for new lots in the R-5 zone district be five (5) acres. The preliminary plat indicates that the lots range from 5.01 to 6.18 acres in size. Therefore, all of the lots will meet the minimum required lot size.

### **CRITICAL AREAS:**

Finding 1 – Archaeological Survey: Applied Archaeological Research (AAR) conducted a cultural resources survey on the proposed site to determine the presence or absence of archaeological resources on the site.

Finding 2 – Moderate to high probability areas on the site were investigated via a pedestrian survey and the excavation of many shovel test probes (STPs). Four isolated occurrences of prehistoric material were located and documented. The isolates are widely spread from each other and do not appear in sufficient frequency to be determined as a site.

Finding 3 – The authors of the survey conclude that no additional archaeological investigation is necessary. The survey was also reviewed by David DeLyria for Clark County. He concurs that no further archaeological work is necessary.

Finding 4 – Wetland: The site contains a Category 3 forested wetland requiring a 50 ft. buffer as shown on the Preliminary Plat (Exhibit 5) and several seeps that meet either Category 3 or Category 4 criteria with buffers that are located completely within the Riparian Priority Habitat Conservation Zone. The proposed development envelopes on all lots, including the roadway alignment, clearly avoid wetlands and wetland buffers, thus the standard requirements of the Wetland Protection Ordinance may be waived under CCC 40.450.030 (F) (Condition D-2).

Finding 5 – Habitat: There are several riparian Habitat Conservation Zone's (HCZ's) present on the subject parcel. The riparian designations are tied to the Washougal River and some associated tributaries. The Washougal River is a Department of Natural Resources (DNR) type 1 watercourse in this area. According to CCC Table 40.440.010(C)(1)(a) of the Habitat Conservation Ordinance (HCO), a DNR type 1 watercourse requires a 250-foot riparian HCZ. The HCZ extends outward from the ordinary high water mark 200 feet, or to the edge of the existing 100-year floodplain, whichever is greater. In this case, the former of the two measurements defines the extent of the riparian HCZ. Several other DNR type 4 and 5 tributaries flow into the Washougal from the surrounding uplands. A DNR type 4 or 5 watercourse requires a 150-foot riparian HCZ. Finally, the Washington Department of Fish and Wildlife (WDF&W) has mapped two occurrences of Cascades torrents salamander in the type 4 tributary. Cascades torrents salamander is a state sensitive species and according to CCC Chapter 40.440.010(C)(1)(b), any area "within 1000 feet of individual point species sites" is also reviewed under the Habitat Conservation Ordinance.

Finding 6 – The applicant is utilizing internal riparian zone averaging per CCC Chapter 40.440.020(C)(3) in order to accommodate portions of the development (Exhibits 13 & 33). The applicant provides the necessary analysis showing functional equivalency between the habitat reduction and compensation areas, comparable replacement acreages, and connectivity between the compensation area and existing habitats as required by CCC Chapter 40.440.020(A)(2)(a). Additionally, the applicant proposes to plant native vegetation in the habitat area in order to mitigate for installation of the stormwater facility (Exhibit 13).

Finding 7 – The applicant is incorporating portions of the riparian HCZ within the acreages of the proposed lots. In order to prevent future landowner confusion and possible habitat degradation by individual lot owners, several conditions of approval were rendered. These conditions are intended to adequately identify and prevent habitat impacts like pet predation, dumping of yard wastes, clearing, fencing, etc. It has been well documented that these human induced impacts can significantly affect habitat functionality. In this case, the potential disturbances would negatively impair wildlife occupation of viable habitats, local wildlife population levels, wildlife movement or dispersal, contribute to non-point sources of pollution and erosion, and simplify habitat structure and function from it's current level of habitat functionality, which does not comply with CCC Chapter 40.440.020(A)(2)(a). Therefore, provided that conditions of approval A-1 – A-7 & D-3 – D-10 are implemented, staff finds the subdivision can comply with the CCC Chapter 40.440.

#### **SHORELINE:**

Finding 1 – Since portions of the proposed project will be located in and near waters protected under the Clark County Shoreline Management Master Program, it is subject to the provisions of the Shoreline Management Act (SMA). Residential Development is a conditional use for shoreline purposes in the conservancy shoreline environment. Shoreline conditional use developments must be consistent with: (1) Shoreline Management Master Program Element Goals; (2) Shoreline environment objectives, policies and limitations; (3) Shoreline use activity policy statements and use regulations; (4) Shoreline Development review criteria of WAC 173-27-140; and, (5) Shoreline Conditional Use Permit criteria of WAC 173-27-160.

Finding 2 – The elements of the 'development' that are in the shorelines and requires a permit is the subdivision of the land.

#### **Shoreline Management Master Program Element Goals**

The Master Program Element Goals that relate to this proposal are consistent with provisions of the Shoreline Management Act (RCW 90.50.100(2)); the Master Program addresses the broad "elements" of human activity and concerns which determine the quality of shoreline resources.

The Shoreline Management Review Committee (SMRC), subsequent to this staff report being issued, will review this application (shoreline permits only) and meet to take one

of the following actions: (1) approve issuance of the permit; (2) approve the permit subject to certain specified conditions; (3) formulate recommendations on the application to be forwarded to the hearings examiner... (CCC 18.330.040(A)). A copy of the recommendation will be made an exhibit for the hearing examiner to review.

### **Economic Development Element**

*Goal: To encourage the maintenance and enhancement of existing industrial and commercial activities along the shoreline in such a manner that the land-water interface be utilized for productive purposes while minimizing adverse effects to the environment; and to encourage appropriate shoreline locations for all such new developments of a water dependent nature.*

Finding 3 – This project is neither a commercial or industrial activity. Therefore, the Clark County Shoreline Management Master Plan goal for Economic Development is not applicable to this project.

### **Public Access Element**

*Goal: To improve the quality of existing points for public access and promote the acquisition or designation of additional shoreline areas for public access, while assuring that all such sites are appropriate and safe for public use, and that improvements and utilization will not result in detrimental effects on these natural sites or adjacent properties.*

Finding 4 – This project does not involve public access to the shoreline. The project does not present an opportunity to acquire access to the shoreline for public use nor will it result in detrimental effects to access on adjacent properties. Therefore, the Clark County Shoreline Management Master Plan goal for Public Access is not applicable to this project.

### **Circulation Element**

*Goal: To recognize existing transportation systems of shoreline areas as a means of providing access to other shoreline use activities; and, when additional circulation systems are proposed for shoreline areas, to assure that these facilities require such locations and are developed with a minimum disturbance of the natural character of the shoreline.*

Finding 5 – This project does not involve circulation or access to the shoreline. Therefore, the Clark County Shoreline Management Master Plan goal for Circulation is not applicable to this project.

## **Recreational Element**

*Goal: To promote the continued public acquisition of appropriate shoreline areas for recreational opportunities, and to influence development of sites in a manner which will preserve the natural characteristics of the shoreline.*

Finding 6 – The project is not intended to provide for the acquisition of shoreline areas. This project is not intended to provide for anything more than private recreation and residential use. Tract “A” is proposed to be owned and maintained by the home owners association and will provide some recreational opportunities. Therefore, the Clark County Shoreline Management Master Plan goal for Recreation is not applicable to this project.

## **Shoreline Use Element**

*Goal: To encourage a pattern of land and water uses compatible with the character of the shoreline environments and distributed so as to avoid the undesirable concentrations of intense uses, and giving preference to uses which are dependent upon shoreline locations.*

Finding 7 – The proposed land will not subjected to intense use. The land division will create 12 lots, however, only five (5) of the lots will extend into the shoreline jurisdictional area. Therefore, the Clark County Shoreline Management Master Plan goal for Shoreline Use is satisfied by this project.

## **Conservation Element**

*Goal: To provide for management of natural resources in shoreline areas by means which will assure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, while allowing the sound utilization of renewable resources in a manner consistent with the public interest.*

Finding 8 – This subdivision does not propose any development, buildings, or grading within the shorelines area. The proposal is consistent in assuring the preservation of non-renewable resources of the shoreline areas. In addition, the Clark County Habitat Conservation Ordinance would limit the amount of clearing or building that can take place in the Shorelines jurisdiction. The habitat conservation zone extends 250 feet from the ordinary high water mark (OHWM) of the Washougal River (see Critical Area Findings #5-7).

Approval of this permit will not result in any significant new adverse impacts to the scenic and ecologically sensitive features of the shoreline and, as conditioned, is consistent with the Clark County Shoreline Management Master Plan goal for Conservation.



## **Historical/Cultural Element**

*Goal: To identify, protect and restore the cultural, historic, scientific and other educationally valuable shoreline sites and buildings and, when appropriate, to promote the acquisition of these features for public domain.*

Finding 9 – This site is located within an area where there may be a high probability for archaeological resources. Moderate to high probability areas on the site were investigate via a pedestrian survey and the excavation of many shovel test probes (STPs). Four isolated occurrences of prehistoric material were located and documented. The isolates are widely spread from each other and do not appear in sufficient frequency to be determined as a site. The authors of the survey conclude that no additional archaeological investigation is necessary. The survey was also reviewed be David DeLyria for Clark County. He concurs that no further archaeological work is necessary. Therefore, the proposed project is generally consistent with the Clark County Shoreline Management Master Plan goal for Historical/Cultural preservation.

## **Shoreline Improvement Element**

*Goal: To encourage the restoration of degraded shoreline areas to conditions of natural environmental quality, and promote the revitalization of abandoned shoreline facilities for practical and productive activities.*

Finding 10 – The proposed subdivision does not propose any adverse impacts to the Shorelines area. The proposal will also not preclude any future revitalization of abandoned shoreline facilities. There are no known shoreline facilities on the site.

## **Floodplain Analysis Element**

*Goal: To assess the effects on floodplains and drainage corridors resulting from development of adjacent lands, and to convey the realization that floodplains are undesirable building sites, that flood control efforts are expensive and too often ineffective against anticipated future events, and to encourage a nature of land utilization in floodplains that will minimize the flood hazard, such as recreation, wildlife habitat, agricultural use, open space, pastureland and woodland.*

Finding 11 – Portions of the site fall within the 100-year floodplain. No development or structures are proposed within the 100-year floodplain areas.

### **Shoreline environment objectives and policies (conservancy environment)**

#### *Objectives*

- 1. To protect, conserve and manage existing natural resources, including historic, scientific, cultural and aesthetic areas.*

Finding 12 – Lots 1, 2, 3, 11, 12 and Tract “A” created with this subdivision will contain areas within the shorelines of the state. The areas in these lots and tract meet this objective by avoiding any development, buildings, or grading within the identified shorelines area. Development envelopes for these lots are identified on the Preliminary Plat and they are at least 250’ +/- from the edge of the shorelines buffer as shown on the Preliminary Plat. (Also see Habitat Findings, above). The development envelopes preclude future development outside of the envelope without further review.

*2. To insure a continuous flow of public recreational opportunities.*

Finding 13 – There is an existing logging road which is proposed to remain as a pedestrian trail within the shoreline area which will provide for recreational opportunities and the possibility for a sustained resource utilization. A 10 foot wide trail access easement is proposed on the plat to ensure continued access.

*3. To achieve a sustained resource utilization.*

Finding 14 – The proposed trail access easement described above will allow for the continued use of the shoreline area by land owners.

*4. To maintain the existing character of the environment.*

Finding 15 – The existing character of the shoreline area on this site is forested. There is no development proposed in the 200 foot shoreline jurisdiction. In addition, the Habitat Conservation Ordinance requires a 250 foot riparian protection area for the Washougal River. Therefore, the existing character of the shoreline area is proposed to be maintained.

#### *General Policies*

*1. The preferred uses are those which are non-consumptive of the physical and biological resources of the area.*

Finding 16 – There is no proposed development in the shoreline area with this application. The only potential activity would be access provided by the 10 foot trail access easement. It is not expected that this access would be a consumptive of the physical and biological resources of the area.

*2. The aesthetic character of the area should be maintained.*

Finding 17 – The aesthetic character of the area will be maintained because there is not development proposed in the shoreline area.

*3. Public access and passive recreation are encouraged, but large concentrations of intensive use recreational facilities and equipment should be discouraged.*

Finding 18 – The only potential activity would be access provided by the 10 foot trail access easement which will provide some recreational opportunities. No recreational facilities or equipment are proposed beyond the existing logging road.

*4. Density of residential development should be minimal.*

Finding 19 – While there are five (5) new lots and a tract proposed for the shoreline area with this application, there are no buildings or grading proposed. The lots that are proposed are all over five (5) acres in size. Therefore, density is minimal.

*5. In areas subject to flooding, permanent structures should be prohibited.*

Finding 20 – There are no structures proposed in the regulatory floodplain.

*6. Structural flood control devices should be strongly discouraged.*

Finding 21 – There are no flood control devices proposed with this application.

**Shoreline use activity policy statements and use regulations  
(residential development)**

**Residential Development Policy Statements**

*1. Subdivision density, site coverage, and occupancy should be designed at a level compatible with the physical capabilities of the shoreline and water.*

Finding 22 – All of the lots in the proposed subdivision are at least five (5) acres in size. There are no impervious surfaces proposed in the shoreline area, therefore, there will be no site coverage nor occupancy in the shoreline.

*2. Subdivisions should be designed to adequately protect the water and shoreline aesthetic characteristics.*

Finding 23 – This subdivision is designed for protect the water and the shoreline aesthetic because the building envelopes proposed on the plat exclude any development in the shoreline area without future review.

*3. The intent of this section is to identify and provide for public pedestrian access to the public shorelines of Clark County, and also recognize the desirability of providing for continuity of identified public pedestrian access corridors and greenways.*

*A. Developers should provide public pedestrian access to existing public shorelines where necessary.*

*B. Where a particular shoreline is identified as planned for future public use, public pedestrian access to the shoreline will be planned for, and this public access will be made available when the acquisition is complete.*

- C. Developers should recognize identified future public access corridors, trails, or greenways and design their developments to accommodate said corridors, trails, or greenways, either for immediate or future use, whichever is appropriate.*
- D. It is recognized that the optimum location for the corridor, trail or greenway and a minimal economic impact on the developer will be subject to negotiation but only when supported by good design criteria in either case.*
- E. Residential developers should be encouraged to designate as much of the shoreline frontage as is reasonable for recreational or greenway purposes for residents of the development.*
- F. It is recognized that this section in providing a public benefit may in some cases cause an economic hardship exceeding landowner's obligation to the public. In such a case, compensation by the County should be negotiated.*

Finding 24 – There is no existing public access to the shoreline on the subject property. No public access is proposed. Tract “A” is proposed along a portion of the shoreline area and will be owned and maintained by a Homeowner’s Association. This will allow for recreational or greenway purposes for residents of the development. Access to Tract “A” can be gained along the easement placed on the existing logging road shown on the plat.

**B. Regulations**

- 1. Plans for residential developments shall include provisions to ensure preservation of shore vegetation and erosion control during construction.*

Finding 25 – No development is proposed in the shoreline area.

- 2. Sewage disposal and water supply facilities shall be provided in accordance with state and local health regulations, and shall comply with other local policies.*

Finding 26 – No septic systems or wells are proposed in the shoreline area.

- 3. Facilities for storm drainage shall be provided separately from sewage disposal systems, and shall be designed to prevent degradation of water quality.*

Finding 27 – All stormwater facilities are located outside of the shoreline area.

- 10. Lot sizes and siting shall conform to Clark County subdivisions, short plat, septic tank and zoning requirements.*

**Finding 28** – The proposed subdivision complies with all applicable Clark County code provisions as demonstrated by this staff report.

11. *Setbacks from the ordinary high water mark shall be a minimum of 35-feet in an Urban Environment, 50-feet in a Rural Environment, and 100-feet in a Conservancy Environment, except in the case of floating homes.*
  - a. *If there are dwellings on both sides and within 200 feet of the proposed building site with shoreline setbacks less than the required depth for the designated shoreline environment, the shoreline setback for the lot need not exceed the average shoreline setback of the two existing dwellings.*
  - b. *If there is a dwelling on one side within 200 feet of the proposed building site with a shoreline setback less than the required depth for the designated shoreline environment, the shoreline setback need not exceed the depth of half-way between the depth of the shoreline setback of the existing dwelling and the required shoreline setback.*
  - c. *The shoreline setbacks for residential uses shall apply to all shoreline property, including lots which may have been created prior to the effective date of the Clark County Master Program (December 18, 1974), except that Clark County may honor previously-issued written determinations applicable to pre-existing lots.*

**Finding 29** – The minimum setback from the Washougal River defined by the building envelope on all lots in the subdivision is over 250 feet. This exceeds the requirements of the Shoreline Master Program.

#### **Shoreline Development review criteria of WAC 173-27-140**

*Residential uses are permitted uses in Urban shoreline environments. Residential uses are permitted upon approval of Conditional Use Permits in Rural and Conservancy environments, except single-family dwellings, which are permitted. Residential uses are prohibited in Natural Environments.*

1. *No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless review of the use or the development is determined to be consistent with the policy and procedures of the Shoreline Management Act and the master program.*

**Finding 30** – These policies are addressed above. Staff finds that the proposed use and development is consistent with the policies and procedures of the SMA and the Clark County Master Program.

2. *No permit shall be issued for any new or expanded building or structure of more than thirty-five (35) feet above average grade level on shorelines of the state what will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.*

Finding 31 – No new or expanded buildings are proposed with this application. There are no existing buildings or structures.

**Shoreline Conditional Use Permit criteria of WAC 173-27-160.**

*Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:*

*(a) That the proposed use is consistent with the policies of RCW [90.58.020](#) and the master program;*

Finding 32 – These policies are addressed above. Staff finds that the proposed use and development is consistent with the policies and procedures of the SMA and the Clark County Master Program.

*(b) That the proposed use will not interfere with the normal public use of public shorelines;*

Finding 33 – No part of the application is proposed to be on public shorelines. Therefore, it will not interfere in any public use of public shorelines. Staff finds that this criterion is met.

*(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;*

Finding 34 – The area is designated for Residential uses under the Comprehensive Plan. The surrounding uses are rural residential development. Therefore, the project is considered compatible with existing and authorized uses in the area. Staff finds that this criterion is met.

*(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and*

Finding 35 – No development is proposed in the shoreline area with this subdivision. Therefore, there will not be any significant adverse impacts to the shoreline environment as a result of the subdivision.

*(e) That the public interest suffers no substantial detrimental effect.*

Finding 36 – As noted in the findings above, there are no significant changes to the shoreline area as a result of this application. Therefore, the public interest is unlikely to suffer a substantial detrimental impact.

#### **TRANSPORTATION CONCURRENCY:**

Finding 1 – Concurrency: The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Finding 2 – The Institute of Transportation Engineers Trip Generation Manual estimates for the proposed site 9 AM and 12 PM peak hour trips. Due to the relatively small trip impact, a traffic study is not required and the submitted traffic profile is adequate. Staff has determined that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards.

Finding 3 – Staff also finds that a significant traffic or safety hazard would not be caused or materially aggravated by the proposed development.

#### **TRANSPORTATION:**

Finding 1 – Circulation Plan: Since frontage improvements will not required for this development, a circulation plan would not be required per CCC 40.350.030(B)(2)(2)(a).

Finding 2 – Roads: CCC 40.350.030(B)(6)(b)(1) & (2) requires that offsite access roads shall have an unobstructed and paved roadway width of 20 feet, except in those cases where the preexisting road is 18 feet wide, with one-foot shoulders, additional widening is not required. The preliminary application material indicates that SE 20<sup>th</sup> Street, providing access to this site has an asphalt pavement width of 18 feet, with one-foot shoulders. Therefore, staff finds that these requirements have been satisfied.

Finding 3 – SE 20<sup>th</sup> Street terminates as a public road at the northeast corner of the site. CCC 40.350.030(B)(12)(a)(3) requires an approved turnaround at the end of rural public roads. The applicant has applied for a Road Modification, seeking relief from this requirement. See Road Modification section below.

Finding 4 – The onsite roads are proposed as Rural Private Roads. These roads must comply with the requirements of Table 40.350.030-5 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum surfacing width of 20 feet and a minimum easement width of 30 feet. The cul-de-sac bulbs shall have a minimum roadway radius of 45 feet and a minimum right-of-way radius of 50 feet to comply with Drawing 30 of the Transportation Standards. The proposed private roads shall be paved 25 feet back from the nearest edge of the travel lane of the public roads, to comply with CCC 40.350.030(B)(7)(c). The applicant

proposes utilizing a “shed” cross section instead of a “crown” section for the private roads, and applied for a Road Modification to address this issue. See the Road Modification section below. (See Condition # A-8)

Finding 5 – Clark County Code 40.350.030(B)(7)(a) requires that public and private roads shall be laid out so as to intersect at an angle as near to a right angle as practicable, but in no case less than 75° for roads intersecting collectors and arterials and no less than 60° for access road, unless modified pursuant to Section 40.550.010. The applicant’s initial proposal showed the new SE 20<sup>th</sup> Street intersecting the existing SE 20<sup>th</sup> Street at the northeast corner of the site at a 4° angle. The proposed portion of SE 20<sup>th</sup> Street has been realigned to intersect SE 332<sup>nd</sup> Avenue at a point 100 feet south of existing SE 20<sup>th</sup> Street to eliminate this issue. This alignment meets the intersection spacing requirements for a private road contained in Table 40.350.030-5 of the Transportation Standards. (See Condition # A-9)

Finding 6 – The applicant submitted a geotechnical investigation of the site prepared by Shannon & Wilson, Inc., dated May 7, 2004. This document bears the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington, and contains numerous recommendations for site grading and the construction of the roads. The plans, grading, and construction of this development must comply with all of the recommendations of this report. (See Condition # A-10)

Finding 7 – The applicant shall provide a private road maintenance agreement for the private road as required in CCC 40.350.030(C)(4)(g). This agreement must include the owners of the appropriate lots using the private road for access among those responsible for the maintenance of this road. (See Condition # A-11)

Finding 8 – CCC 40.350.030(B)(10)(c) requires the following notice placed on the face of the final plat: “Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance”. (See Condition # D-13)

Finding 9 – Access: Driveways shall be a minimum 12 feet wide to comply with CCC 40.350.030(B)(4)(b)2). CCC 40.350.030(B)(4)(b)3) says that driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. This shall be noted on the final plat. (See Condition # D-12)

Finding 10 – Sight Distance: The Transportation Impact Study submitted with this application contains a statement that sight distance at the intersection of SE 20<sup>th</sup> Street and SE 332<sup>nd</sup> Avenue is adequate. This document was signed and stamped by Jay



Bockisch, an engineer licensed in the State of Washington. Therefore, staff finds that the sight distance requirements are satisfied.

#### Road Modifications

The applicant applied for a Road Modification (EVR2004-00064) to address the issues listed below:

Road Modification 1: Clark County Code 40.350.030(B)(7)(a) requires that public and private roads shall be laid out so as to intersect at an angle as near to a right angle as practicable, but in no case less than 75° for roads intersecting collectors and arterials and no less than 60° for access road, unless modified pursuant to Section 40.550.010. The applicant's initial proposal showed the new SE 20<sup>th</sup> Street intersecting the existing SE 20<sup>th</sup> Street at the northeast corner of the site at a 4° angle. Due to a reduction in the habitat buffer, the applicant has been able to realign the new SE 20<sup>th</sup> Street to intersect SE 332<sup>nd</sup> Avenue at a point 100 feet south of existing SE 20<sup>th</sup> Street, meeting the intersection spacing requirements for a private road contained in Table 40.350.030-5 of the Transportation Standards. Therefore, the applicant has withdrawn this road modification request.

Road Modification 2: The proposed SE 332<sup>nd</sup> Avenue crosses a deeply incised stream valley, limiting stopping sight distances. The applicant is requesting relief from the stopping sight distance requirements required in CCC 40.350.030(B)(8)(a) and Table 40.40.350.030-10 of the Transportation Standards. However, SE 332<sup>nd</sup> Avenue is proposed to be a private road. Per CCC 40.350.030(B)(8)(a), these standards only apply to public roads. Therefore, a Road Modification is not required, and the applicant has withdrawn this road modification request.

Road Modification 3: Drawing 27, which accompanies CCC 40.350 indicates a traditional "crown" section for private roads, with a high point at the center, and a 2 – 4% slope in each direction. In order to more closely match the existing terrain and to segregate the road drainage from offsite stormwater, the applicant proposes a shed section, with a ditch on both sides of the road, and a 2 – 4% cross slope to one side of the road.

According to CCC 40.550.010(A)(1), in order for the County to approve a Road Modification request, one of the following conditions must be met:

- "A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;"

Finding 11 – At this time, drainage enters the site from the north, east, and south boundaries of the site. In order to keep this runoff from mixing with runoff from the proposed road, the applicant proposes to shed all road runoff to the "inside" of the property, where it will be routed through biofilter swales for treatment, followed by a

detention pond. An additional ditch will be added along the “outside” of the road to collect runoff from adjacent properties. This runoff will then be discharged into the existing stream which bisects the site, or onto the slopes over the Washougal River via level spreaders. This allows the water quality treatment and quantity control standards to be met for the developed areas of the proposed project, while bypassing stormwater that enters the site from other areas.

"B. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;"

Finding 12 – The applicant is not using this criterion as a basis for this road modification request.

"C. An alternative design is proposed which will provide a plan equal to or superior to these standards; and,"

Finding 13 – The applicant is not using this criterion as a basis for this road modification request.

"D. Application of the transportation standards to the development would be grossly disproportional to the impacts created."

Finding 14 – The applicant is not using this criterion as a basis for this road modification request.

Finding 15 – Staff Evaluation: Staff finds that utilizing a “shed” cross-section for the future private roads is acceptable. This will address the drainage issues outlined in Transportation Finding #11, above. (See Condition # A-8)

Road Modification 4: CCC 40.350.030(B)(12)(a)(3) requires an approved turnaround at the end of rural public roads. Approved turnarounds may include cul-de-sacs, which may include the width of the roadway, intersecting public or private roads, hammerheads, or driveways meeting the dimensional requirements of a hammerhead. Since sufficient area is not available within the public right-of-way and the existing SE 20<sup>th</sup> Street (private) which abuts the site, the west end of the public portion of SE 20<sup>th</sup> Street does not meet the dimensional requirements of a hammerhead turnaround. The applicant proposes an equivalent turnaround on the C-Dymond development at the intersection of SE 20<sup>th</sup> Street (private) and SE 332<sup>nd</sup> Avenue (private). Primarily, proposed SE 20<sup>th</sup> Street shall be aligned to intersect SE 332<sup>nd</sup> Avenue a minimum of 100 feet south of the public existing portion of SE 20<sup>th</sup> Street.

According to CCC 40.550.010(A)(1), in order for the County to approve a Road Modification request, one of the following conditions must be met:

- "A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;"

Finding 16 – According to the applicant, the existing right-of-way for SE 20<sup>th</sup> Street is only 30 feet wide, and abuts the site for only 15 feet of the eastern site boundary. Since this is the only public road right-of-way which abuts the subject property, all access to the site must pass through this point or through an existing access easement on the adjoining property. There is insufficient space within the right-of-way and easement to construct a public turnaround, and the existing SE 20<sup>th</sup> Street (private) which runs west from the end of the public portion of SE 20<sup>th</sup> Street is not wide enough to meet the dimensional requirements for a hammerhead turnaround. These factors preclude the construction of a public turnaround at the west end of SE 20<sup>th</sup> Street.

- "B. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;"

Finding 17 – The applicant is not using this criterion as a basis for this road modification request.

- "C. An alternative design is proposed which will provide a plan equal to or superior to these standards; and,"

Finding 18 – The proposed intersection alignment consists of two 20-foot wide roads intersecting at a 90° tee. According to the applicant, this alignment meets the dimensional requirements of a hammerhead turnaround.

- "D. Application of the transportation standards to the development would be grossly disproportional to the impacts created."

Finding 19 – The applicant also argued based on this criterion. However, CCC 40.550.010(D)(2)(c) says, "In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard." The applicant did not submit this analysis. Therefore, this modification request was not reviewed under this criterion.

Finding 20 – Staff Evaluation: The two proposed intersections will meet the dimensional requirements of a hammerhead. However, hammerheads are to be configured as a "tee", per Drawing 33 of the Transportation Standards. These intersections will present themselves as a "sideways" hammerhead to vehicles entering the site. By eliminating the required turnaround, impact to the habitat buffer is reduced. Therefore, staff finds the redesigned alignment, and the elimination of the required turnaround at the end of the public portion of SE 20<sup>th</sup> Street an acceptable alternative, (See Condition # A-9)

### Conclusions (Transportation)

#### Road Modification 1:

As a result of the realignment of the proposed portion of SE 20<sup>th</sup> Street, Road Modification request 1 is not necessary.

#### Road Modification 2:

This road modification is not necessary, as stopping sight distance requirements do not apply to private roads.

#### Road Modification 3:

Based upon the above findings, staff finds that one of the four road modification approval criteria is met,

Therefore, proposed Road Modification 3 meets the requirements of the county transportation ordinance.

#### Road Modification 4:

Based upon the above findings, staff finds that one of the four road modification approval criteria is met,

Therefore, proposed Road Modification 4 meets the requirements of the county transportation ordinance.

#### Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to the conditions below, meets the requirements of the county transportation ordinance.

### **STORMWATER & EROSION CONTROL:**

Finding 1 – Applicability: Stormwater and Erosion Control Ordinance CCC 40.380 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded
- d. The platting of single-family residential subdivisions in an urban area

- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 40.380.040(B)(3) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 40.380.030(A).

This application will result in 5,000 square feet or more of new impervious area within the rural area. CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the proposed homes and their normal appurtenances, are not subject to these sections of the Stormwater and Erosion Control Ordinance. However, the homes and appurtenances are still subject to the Erosion Control portions of this ordinance. (See Condition # A-12)

Finding 2 – Stormwater Proposal: The applicant proposes utilizing a “shed” section on the proposed private roads. Offsite storm water would be collected in the ditch on the “outside” of the road. This runoff will then be discharged into the existing stream which bisects the site, or onto the slopes over the Washougal River via level spreaders. Stormwater from the road would then “shed” across the road into another ditch on the “inside” of the property, thus being segregated from the offsite stormwater. The roadway stormwater would then be routed through biofilter swales for treatment, followed by a detention pond. Level spreaders will be utilized for dispersion of stormwater.

Finding 3 – Site Conditions and Stormwater Issues: The material submitted for preliminary stormwater review indicates that stormwater from a portion of SE 322<sup>nd</sup> Avenue will not be treated. All of the stormwater from all of the roads is subject to Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). (See Condition # A-12)

The applicant intends to maintain the flow of the unnamed streams that cross the site, flowing to the Washougal River. The applicant must provide a discussion of how the on-site conveyance system has been designed for ultimate build-out of the upstream area based on the maximum density achievable under the comprehensive plan, in accordance with CCC 40.380.060(C)(2)(i)(6)(d).

CCC 40.380.040(D)(2) says that locations of stormwater facilities in relation to wetlands are specified in the Wetlands Protection Ordinance, CCC 40.450. CCC 40.450.040(C)(4) discusses stormwater facilities in wetlands.

An off-site analysis extending a minimum of ¼ mile downstream from the site shall be submitted, to comply with CCC 40.380.040(B)(2) for all discharge points. This analysis shall address slope stability at all discharge points.

The applicant proposes utilizing biofiltration swales for treatment of stormwater. The applicant shall provide evidence that these swales will comply with the requirements of CCC 40.380.040(B)(4)(e).

Conveyance calculations and details of the proposed control structures and metering devices from the ponds shall be required.

The applicant submitted a geotechnical investigation of the site prepared by Shannon & Wilson, Inc., dated May 7, 2004. This document bears the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington, and contains numerous recommendations for site grading and the construction of the stormwater facilities. The plans, grading, and construction of this development must comply with all of the recommendations of this report.

A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 40.380.060(D). In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also address the above items. (See Condition # A-13)

Stormwater facilities not located within the public right-of-way shall be privately owned in compliance with CCC 40.380.040(H)(3)(b), and maintained by the neighborhood association per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. The stormwater facilities must be placed in easements. Adequate access must be provided to the facilities to perform maintenance. (See Condition # A-14 & D-14)

Finding 4 – Erosion Control: An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions # A-15, D-11 and E-6 through E-9)

Effective January 1, 2001, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 40.380.050(D). Residential homeowners constructing their own development activity are exempt. (See Condition # A-16)

#### **GEOLOGIC HAZARD AREA:**

Finding 1 – Applicability: According to CCC 40.430.010(B)(1), all non-exempted development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of the Geologic Hazard Ordinance CCC 40.430. According to Clark County GIS, significant portions of this site are mapped with steep slopes,

severe erosion hazard areas, and areas of potential slope instability, making this development subject to this ordinance. (See Condition # A-17)

Finding 2 – Site Conditions and Geologic Issues: The applicant submitted a geotechnical investigation of the site prepared by Shannon & Wilson, Inc., dated May 7, 2004. This document bears the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington, and contains numerous recommendations for site grading and the construction of the roads. The plans, grading, and construction of this development must comply with all of the recommendations of this report. This shall also be noted on the final plat. (See Conditions # A-10, A-13 & D-15)

A geologic reconnaissance was performed as a part of this investigation. Based on this reconnaissance, a “Slope Set Back Line” was established, and shown on the Plan of Explorations, Figure 2 of this report. This report recommends that, “structures be offset by 50 feet upslope from the ‘Slope Setback Line’, and grading should be offset by 30 feet of this line. If grading or construction should be proposed below these limits, geotechnical engineering should be retained to review the plans and site conditions, and propose an appropriate scope of geotechnical work.” This line shall be staked in the field and shown on the plat. (See Condition # A-18) A note regarding the above setbacks shall be placed on the plat. (See Condition # D-16)

#### **FLOODPLAIN HAZARD AREA:**

Finding 1 – Applicability: According to CCC 40.420.010(B)(1), this chapter shall apply to all flood hazard areas within the jurisdiction of Clark County. According to Clark County GIS, a portion of this site is within the floodway fringe, making this development subject to this ordinance. (See Condition # A-19)

Finding 2 – Site Conditions and Floodplain Issues: The floodway fringe is located in the area below the “Slope Setback Line”, discussed in the Geologic Hazard Area section above. No work is currently proposed in this area. The applicant shall show an approximate floodway fringe line on the final plat, and note that any work within the floodway fringe will require a Floodplain Permit. (See Conditions # A-20 & D-17)

#### **FIRE PROTECTION:**

Finding 1 – Fire Marshal Review: This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (Condition D-18).

Finding 3 – Fire Flow: Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Water mains are not currently available within 1000 feet of the property line. Alternative construction methods shall be used to meet fire flow requirements, this may include 30 foot setbacks and a class "A" or better rated roof. Should public water be brought to the subdivision fire hydrants as required by Clark County Code shall be installed. (Condition A-21).

Finding 4 – Fire Hydrants: Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (Condition A-21).

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (Conditions D-19, A-22 and D-20).

Finding 5 – Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (Condition A-23).

Finding 6 – Fire Apparatus Turnarounds: Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standard.

#### **WATER & SEWER SERVICE:**

Finding 1 – The site will be served by the City of Washougal water district. A letter from the above district confirms that service is available to the site.

Finding 2 – Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable) (Condition E-12).



Finding 3 – The use of septic systems is proposed to serve the site. A “Health Department Evaluation Letter” has been submitted that confirms the Health Department conducted an evaluation of the site and determined that no existing wells or septic systems are located on the site, and no structures on the site have been/are hooked up to water and/or sewer.

Finding 4 – Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording (Condition E-14).

**IMPACT FEES:**

Finding 1 – The residents of the proposed new lots will create an additional demand for schools. In order to reduce these potential impacts, school impact fees (SIF) will apply to all new houses constructed within the subdivision. The site is located within the Washougal School District which has a school impact fee of \$3,270.00 per new single family home built within its district (See Condition B-1). The impact fee is necessary to pay for the proportionate share of the potential impact of increased enrollment on school facilities within the school district. The impact fee moneys together with funding from other sources are used to construct new facilities and improve existing facilities necessary to accommodate new students (See Condition B-1 & Plat Note D-22).

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

**Determination:**

**Determination of Non-Significance (DNS).** Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not

required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

### **Date of Publication & Comment Period:**

Publication date of this DNS is November 17, 2004 and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on December 1, 2004.

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| <p style="text-align: center;"><b><u>Public Comment Deadline:</u></b><br/><b>December 1, 2004</b></p> |
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### **SEPA Appeal Process:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Josh Warner, (360) 397-2375, ext. 4898.  
Travis Goddard, (360) 397-2375, ext. 4180

**Responsible Official:** Michael V. Butts

**Public Service Center**  
**Department of Community Development**  
**1300 Franklin Street**  
**P.O. Box 9810**  
**Vancouver, WA 98666-9810**  
**Phone: (360) 397-2375; Fax: (360) 397-2011**  
**Web Page at: <http://www.co.clark.wa.us>**

## **RECOMMENDATION**

Based upon the proposed plan (identified as Exhibit 33), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## **Conditions of Approval**

**A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.**

- A-1** All requisite habitat mitigation shall be installed prior to Final Plat approval, unless otherwise postponed through the establishment of a performance/maintenance bond, escrow account, or other financial guarantee acceptable to the Planning Director.
- A-2** All remainder lands within the riparian HCZ, including habitat compensation areas shall be delineated on the face of the Final Plat.

- A-3** Appropriate demarcation and signage of the habitat boundaries shall be in place prior to initiating any groundbreaking activity.
- A-4** Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality.
- A-5** Signs referenced in condition A-4 shall read “Habitat Conservation Area, Please leave in a natural state - Department of Community Development (360) 397-2375.”
- A-6** The applicant shall enter all remainder lands within the riparian HCZ into a Habitat Conservation Covenant in conjunction with the Final Plat.
- A-7** The Habitat Conservation Covenant shall specifically prohibit the construction of fences in the riparian area, the clearing of native vegetation (both dead or alive), the removal of downed woody debris, the dumping of yard wastes, and any other physical alteration of the land that degrades habitat functionality. The covenant shall also require individual lot owners to maintain the exclusionary signage used to protect the habitat area.
- A-8** The onsite roads are to be constructed to the standards for Rural Private Roads, complying with the requirements of Table 40.350.030-5 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum surfacing width of 20 feet and a minimum easement width of 30 feet. The cul-de-sac bulbs shall have a minimum roadway radius of 45 feet and a minimum right-of-way radius of 50 feet to comply with Drawing 30 of the Transportation Standards. The proposed private roads shall be paved 25 feet back from the nearest edge of the travel lane of the public roads. These roads may be constructed utilizing a “shed” cross section instead of a “crown” section. (See Transportation Findings # 4 & 20)
- A-9** The proposed portion of SE 20<sup>th</sup> Street shall be aligned to intersect SE 332<sup>nd</sup> Avenue at a point at least 100 feet south of existing SE 20<sup>th</sup> Street. (See Transportation Findings # 5 & 20)
- A-10** The plans, grading, and construction of this development must comply with all of the recommendations of the geotechnical investigation of the site prepared by Shannon & Wilson, Inc., dated May 7, 2004, and bearing the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington. (See Transportation Finding #6 and Geologic Hazard Area Finding #2)
- A-11** The applicant shall provide a private road maintenance agreement for the private road as required in CCC 40.350.030(C)(4)(g). This agreement must include the owners of the appropriate lots using the private road for access among those responsible for the maintenance of this road. (See Transportation Finding #7)

**A-12** This development is subject to CCC 40.380, the Stormwater and Erosion Control Ordinance. The construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area are exempt from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). All of the stormwater from all of the roads is subject to Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). (See Stormwater and Erosion Control Findings # 1 & #3)

**A-13** A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 40.380.060(D). In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also include (but not be limited to) the following:

- A discussion of how the on-site conveyance system has been designed for ultimate build-out of the upstream area based on the maximum density achievable under the comprehensive plan.
- Compliance with the Wetlands Protection Ordinance CCC 40.450 for stormwater facilities located in and near the wetlands.
- An analysis of the erosion, sedimentation, and pollution potential at the outlets of the system, and a minimum ¼ mile downstream. This analysis shall address slope stability at all discharge points.
- Evidence that the biofiltration swales comply with the requirements of CCC 40.380.040(B)(4)(e)
- Conveyance calculations and details of the proposed control structures and metering devices from the ponds shall be required.
- Compliance with all the recommendations listed in the geotechnical investigation of the site prepared by Shannon & Wilson, Inc., dated May 7, 2004, and bearing the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington.
- It shall address all other stormwater and erosion control issues identified in this decision.

(See Stormwater and Erosion Control Finding # 3 and Geologic Hazard Area Finding #2)

**A-14** Stormwater facilities not located within the public right-of-way shall be privately owned in compliance with CCC 40.380.040(H)(3)(b), and maintained by the neighborhood association per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. These facilities shall be located within an easement. Adequate access must be provided to the facilities to perform maintenance. (See Stormwater and Erosion Control Finding # 3)

**A-15** An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control

plan can result in a stop-work order, citation, or other code enforcement actions.  
(See Stormwater and Erosion Control Finding # 4)

**A-16** This development activity performed shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director. (See Stormwater and Erosion Control Finding # 4)

**A-17** This development shall comply with the provisions of the Geologic Hazard Ordinance CCC 40.430. (See Geologic Hazard Area Finding #1)

**A-18** A "Slope Set Back Line" shall be staked in the field and shown and dimensioned on the plat. This line shall comply with the line and shown on the Plan of Explorations, Figure 2 of the geotechnical investigation of the site prepared by Shannon & Wilson, Inc., dated May 7, 2004, and bearing the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington. (See Geologic Hazard Area Finding #2)

**A-19** This development shall comply with the provisions of the Flood Hazard Areas Ordinance, CCC 40.420. (See Flood Hazard Area Finding #1)

**A-20** The applicant shall show an approximate floodway fringe line on the final plat.  
(See Flood Hazard Area Finding #2)

**A-21** Because public water will be brought to the subdivision, fire hydrants as required by Clark County Code shall be installed. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (Fire Protection Finding #4).

**A-22** Contact Fire District to arrange for fire hydrant location approval (Fire Protection Finding #4).

**A-23** The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (Fire Protection Finding #5).

## **B. Conditions that must be met prior to issuance of Building Permits**

**B-1** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- School Impact Fees: \$3,270.00 (Washougal School District)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

## **D. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

### **D-1 Archaeological (all plats):**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

### **D-2 Wetland Development Envelopes:**

"No 'regulated activities' as defined in the Wetland Protection Ordinance (Clark County Code Chapter 40.450) shall occur outside of the development envelopes shown on the face of this plat without prior approval from the County Planning Director."

### **D-3 Habitat:**

No clearing or development shall occur within the remaining "un-averaged" riparian HCZ or the habitat compensation areas without an approved Habitat Permit.

### **D-4 Habitat:**

Any modifications to the preliminary plat that cause greater habitat impacts than what is preliminarily shown shall be subject to additional review and possible mitigation under a new Habitat Permit.

### **D-5 Habitat:**

Clearing native vegetation, planting non-native vegetation, construction or development of any kind, the dumping of yard wastes, and any other physical alteration of the habitat area determined injurious by the Planning Director, is expressly prohibited as per Conservation Covenant #\_\_\_\_\_.

### **D-6 Habitat:**

The proposed trail shall be 4-feet or narrower in width and consist of a natural pervious surface like dirt or wood chips.

### **D-7 Habitat:**

The trail shall be constructed entirely by hand and minimize native vegetation removal. No trees or shrubs shall be cleared for the trail. Appropriate erosion controls shall be in place prior to installation of the trail.

**D-8 Habitat:**

The applicant shall construct small bridges, boardwalks, or equivalent spans for any trail creek crossings, in order to avoid sedimentation of the water by passing pedestrians or pets.

**D-9 Habitat:**

In addition to the signage along the lot boundaries, the applicant shall post signs at 200-foot intervals along the walking path that inform pedestrians or pet owners; "Habitat Conservation Area -- please stay on the trail."

**D-10 Habitat:**

No trees shall be damaged or removed from the riparian HCZ during installation of the stormwater facility. This includes no grading (cuts or fills) within the dripline of protected trees.

**D-11 Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-12 Driveways:**

"Driveways shall be a minimum 12 feet wide. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards"  
(See Transportation Finding # 9)

**D-13 Private Roads:**

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."  
(See Transportation Finding # 8)

**D-14 Privately Owned Stormwater Facilities:**

"The neighborhood association is responsible for long-term maintenance of the privately owned stormwater facilities."  
(See Stormwater and Erosion Control Finding # 3)

**D-15 Geologic Hazard:**

"All construction in this development must comply with all of the recommendations of the geotechnical investigation of the site prepared by



Shannon & Wilson, Inc., dated May 7, 2004, and bearing the signature and stamp of Alan P. Bean, an engineer licensed in the State of Washington.”  
(See Geologic Hazard Area Finding #2)

**D-16 Geologic Hazard:**

“All structures shall be offset by 50 feet upslope from the “Slope Setback Line”, and all grading should be offset by 30 feet of this line. If grading or construction should be proposed below these limits, geotechnical engineering shall be retained to review the plans and site conditions, and propose an appropriate scope of geotechnical work.”  
(See Geologic Hazard Area Finding #2)

**D-17 Floodplain:**

“Any work within the floodway fringe will require a Floodplain Permit.”  
(See Flood Hazard Area Finding #2)

**D-18 Building Construction:**

“Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.” (See Fire Protection Finding #2)

**D-19 Fire Protection:**

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection.

**D-20 Fire Protection:**

The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant.

**D-21 Septic Systems:**

"The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

**D-22 Impact Fees:**

"In accordance with CCC 40.610, the School, Impact Fees for each dwelling in this subdivision are: \$ 3,270 (Washougal School District). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

## **E. Standard Conditions**

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

### **Land Division:**

**E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

### **Wetlands and Buffers:**

**E-2** If there are wetlands or wetland buffers on the site, the requirements of CCC Section 40.450.030(E) apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence);
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat or Site Plan and including a note that refers to the separately recorded conservation covenant.

### **Final Construction/Plan Review:**

#### **E-3 Transportation:**

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

#### **E-4 Stormwater:**

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

#### **E-5 Pre-Construction Conference:**

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

#### **E-6 Erosion Control:**

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**E-7 Erosion Control:**

For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

**E-8 Erosion Control:**

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**E-9 Erosion Control:**

Erosion control facilities shall not be removed without County approval.

**E-10 Excavation and Grading:**

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

**E-11 Excavation and Grading:**

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

**Water Wells and Septic Systems:**

**E-12** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

**E-13** For on-site water wells and sewage system, the following requirements shall be completed prior to final plat recording:

- A. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- B. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- C. Each on-site sewage system shall be on the same lot it serves;
- D. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- E. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- F. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- G. A copy of the County approved final drainage plan shall be submitted for review; and,
- H. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

**E-14** If the use of wells and/or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording.

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.**

## **HEARING EXAMINER DECISION AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and

those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

**Attachments:**

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>